

Application No. 10/649,369
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REMARKS

The foregoing Amendment is filed in response to the official action dated April 4, 2006. Reconsideration is respectfully requested.

The status of the claims is as follows:

Claims 1-5, 7-8, 10-14, 17-34, 36-37, and 39-42 are currently pending.

Claims 1-5, 7-8, 10-14, 17-34, 36-37, and 39-42 stand rejected.

Claims 1, 23, 27-28, 33, and 40 have been amended.

The Examiner has rejected claims 1-5, 7-8, 10-14, 17-23, 31-34, 36, 39-40, and 42 under 35 U.S.C. 103(a) as being unpatentable over Wechter (USP 4,351,217) in view of Armstrong (USP 4,472,994) and Hudak (USP 5,731,535). The Examiner has also rejected claims 24-30 under 35 U.S.C. 103(a) as being unpatentable over Wechter in view of Armstrong and Hudak, as applied to claim 23 above, and further in view of Soumi et al. (USP 4,937,606). The Applicant respectfully submits, however, that base claims 1, 23, 33, and 40, as amended, and the claims dependent therefrom are patentable over the art of record, and therefore the rejections under 35 U.S.C. 103 should be withdrawn.

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For example, amended claim 1 recites, in relevant part, a preamplifier assembly for a musical instrument, including a housing having a face portion and an integral battery holder for holding a battery, the face portion including a bezel and at least one cover retaining element, the bezel having at least one slot opening formed therein, one end of the slot opening defining a pivot point, and a cover for securely enclosing the battery within the battery holder. The cover is slidably and pivotally mounted on the face portion of the housing, and has a first edge, at least one pivot pin formed thereon adjacent the first edge, and at least one cover locking surface. The slot opening in the bezel is configured to receive the pivot pin to facilitate slidable and pivotable movement of the cover between a closed position and an opened position. The closed position encloses the battery within the battery holder, and the opened position allows the user to access the battery within the battery holder. The cover retaining element engages the cover locking surface when the cover is in the closed position. As recited in amended claim 1, the cover is configured to allow the user to move it from the closed position to the opened position by sliding the cover to disengage the cover locking surface from the cover retaining element and to move the pivot pin within the slot opening to the pivot point, and by

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pivoting the cover about the pivot point to the opened position. Because the first edge of the cover adjacent the pivot pin is the leading edge during the sliding movement, the user can open the cover in substantially one continuous movement. Such a preamplifier assembly for a musical instrument that allows a user to open a cover of a battery holder by sliding and pivoting the cover from a closed position to an opened position in substantially one continuous movement is described throughout the instant application, for example, see page 8, lines 6-25, and Figs. 2-3, of the application.

The official action indicates that the Soumi reference teaches the limitations of the battery holder cover, namely, (1) the cover being slidably mounted on the face portion of the housing, (2) the cover being pivotally and slidably mounted on the face portion of the housing, (3) the cover including at least one cover locking surface and the face portion including at least one cover retaining element for engaging the cover locking surface when the cover encloses the battery within the battery holder, (4) the cover having at least one pivot formed thereon, (5) the face portion including a bezel having at least one slot formed therein for receiving the pivot, (6) the cover rotating about the pivot to enclose the battery within the battery holder and to open the

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battery holder, and (7) the slot allowing the cover locking surfaces to slidably engage the cover retaining elements.

The Applicant respectfully submits, however, that the combined teachings of the Wechter, Armstrong, Hudak, and Soumi references would not suggest to one skilled in this art a preamplifier assembly for a musical instrument, including a battery holder cover that allows a user to move the cover from a closed position to an opened position by sliding the cover to disengage a cover locking surface from a cover retaining element and to move a pivot pin within a slot opening to a pivot point, in which a first edge of the cover adjacent the pivot pin is the leading edge during the sliding movement, as recited in amended claim 1. In addition, the Soumi reference neither teaches nor suggests providing such a cover that can be slid from the closed position and subsequently rotated to the opened position in substantially one continuous movement, as recited in amended claim 1.

As indicated in the official action, the combination of the Wechter, Armstrong, and Hudak references neither teaches nor suggests the limitations of the battery holder cover, as listed above. The Applicant respectfully submits that the Soumi reference does not cure the deficiencies of the Wechter,

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Armstrong, and Hudak references. For example, the Soumi reference discloses a battery holding device for holding a battery mounted into a battery case disposed within an apparatus such as a camera and the like (see column 1, lines 4-10, of Soumi et al.). On the lower surface of the battery case, there is mounted a battery cover 22 that is freely slidable and rotatable (see column 3, lines 9-12, and Fig. 2, of Soumi et al.). Specifically, the battery cover 22 includes a pair of shafts 24 that can be located in a hole 44 and then rotated in an opening direction (see column 4, lines 37-40, and Fig. 5, of Soumi et al.). As shown in Fig. 2, the shafts 24 are adjacent the edge of the cover 22 near an engagement claw 46. As disclosed in the Soumi reference, to take out a battery 48 from the battery holding device, the closed battery cover 22 is moved forwardly to situate the shafts 24 in the hole 44. In this condition, the battery cover 22 can be rotated about the shafts 24, whereby the battery 48 can be taken from the battery case (see column 4, lines 52-60, and Fig. 5, of Soumi et al.).

Unlike the cover recited in amended claim 1, when the battery cover 22 of the Soumi device is moved forwardly (i.e., slid) to situate the shafts 24 in the hole 44, the edge of the cover 22 adjacent the shafts 24 is not the leading edge during the sliding

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movement, but is instead the trailing edge. This is illustrated in Fig. 5 of Soumi et al., which depicts the shafts 24 situated in the hole 44. The battery cover 22 of Fig. 5 is slid to locate the shafts 24 in the hole 44, and the edge of the cover 22 adjacent the shafts 24 is the trailing edge during the sliding movement. The leading edge of the battery cover 22 during the sliding movement is the opposite edge adjacent the recessed portion 56 (see Fig. 2 of Soumi et al.).

As a result, two essentially opposing movements of the battery cover 22 (see Fig. 2 of Soumi et al.) are required to move the cover from a closed position to an opened position. This is illustrated most clearly in Fig. 8 of Soumi et al. (see Exhibit A enclosed herewith), in which the cover 22 is slid toward the left (see directional arrow L) to situate the shafts 24 in the hole 44 (see also Fig. 5 of Soumi et al.), and then rotated in a counterclockwise direction, i.e., toward the right (see directional arrow R) to the opened position. As indicated in Fig. 8 of Soumi et al. (see Exhibit A), the edge of the cover 22 adjacent the shafts 24 is the trailing edge during the sliding movement. Because the user must initiate sliding and rotating movements of the battery cover 22 of Soumi et al. in essentially opposite directions to move the cover from the closed position to

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the opened position, the user cannot open the battery cover 22 in substantially one continuous movement, as recited in amended claim 1.

As recited in amended claim 1, the first edge of the cover 34 adjacent the pivot pin 38 is the leading edge during the sliding movement. This is illustrated in Figs. 2-3 of the application (see Exhibits B-C enclosed herewith), in which the cover 34 is slid in a generally upward direction (see directional arrow U1) to disengage the cover locking surface 54 from the cover retaining element 36 and to move the pivot pin 38 within the slot opening 39 to the pivot point, and then pivoted about the pivot point to the opened position by making a clockwise rotation in generally the same upward direction (see directional arrow U2) of the sliding movement. Because the sliding and pivoting movements of the cover of amended claim 1 are performed in the same general direction, a user can open the cover of amended claim 1 in substantially one continuous movement. This is particularly advantageous for a guitar player, who often must have quick and easy access to the battery powering his preamplifier circuitry while engaging in a musical performance.

Because the combined teachings of the Wechter, Armstrong, Hudak, and Soumi references would not suggest to one skilled in

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this art a preamplifier assembly for a musical instrument, including a battery holder cover that allows a user to move the cover from a closed position to an opened position by sliding the cover to disengage a cover locking surface from a cover retaining element and to move a pivot pin within a slot opening to a pivot point, in which a first edge of the cover adjacent the pivot pin is the leading edge during the sliding movement, and by subsequently rotating the cover to the opened position, in substantially one continuous movement, as recited in amended claim 1, the Applicant respectfully submits that the combination of these references cannot render amended claim 1 and the claims dependent therefrom obvious. For at least the reasons discussed above with reference to amended claim 1, the Applicant further submits that the combined teachings of the Wechter, Armstrong, Hudak, and Soumi references would not suggest to one skilled in this art the subject matter of claims 28-30.

Amended base claim 23 recites, in relevant part, a preamplifier housing for a musical instrument, including a face portion having an opening formed therethrough, and an electronics enclosure for housing preamplifier circuitry, which is disposed on at least one printed circuit board. The housing is configured to allow the printed circuit board to engage the housing, thereby

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causing an integral output connector directly attached to the printed circuit board to be in registration with the opening formed through the face portion of the housing. The output connector comprises an output jack. As recited in amended claim 23, the face portion of the housing allows the output jack to be mounted on the face portion at the opening formed therethrough to secure the at least one printed circuit board within the housing.

As indicated in the official action, the Wechter reference does not expressly mention an output connector directly attached to at least one printed circuit board, and mounted on the face portion of the housing to secure the printed circuit board within the housing. The official action further indicates that the Hudak reference teaches a preamplifier, including an integral output connector directly attached to at least one printed circuit board, and mounted on the face portion of the housing, *i.e.*, the soundboard, to secure the printed circuit board within the housing.

The Applicant respectfully points out, however, that mounting an output connector 50 having a printed circuit board 48 directly attached thereto to the soundboard (*i.e.*, the shaped back 14 of the body of a guitar; see Fig. 3 of Hudak) is significantly different from mounting an output jack having a printed circuit

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board directly attached thereto to the face portion of a preamplifier housing to secure the printed circuit board within the housing, as recited in amended claim 23. By attaching the output jack to the printed circuit board and to the face portion of the preamplifier housing, the electronics can be securely and conveniently maintained within the unit of the preamplifier housing, while the preamplifier housing is mounted within a musical instrument such as a guitar. Such structure and resulting benefit are neither taught nor suggested in the art of record.

Because the combined teachings of the Wechter, Armstrong, and Hudak references would not suggest to one skilled in this art a preamplifier housing for a musical instrument having a face portion that allows an output jack attached to a printed circuit board to be mounted thereon to secure the printed circuit board within the housing, as recited in amended base claim 23, the Applicant respectfully submits that the combination of the Wechter, Armstrong, and Hudak references cannot render amended claim 23 and the claims dependent therefrom obvious. For at least the reasons discussed above with reference to amended claim 23, the Applicant further submits that the combination of the Wechter, Armstrong, and Hudak references cannot render amended base claims 33 and 40 and the claims dependent therefrom obvious.

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Accordingly, it is respectfully submitted that the rejections of claims 1-5, 7-8, 10-14, 17-23, 31-34, 36, 39-40, and 42 under 35 U.S.C. 103 should be withdrawn.

The Examiner has rejected claim 37 under 35 U.S.C. 103(a) as being unpatentable over Wechter in view of Armstrong and Hudak, as applied to claim 33 above, and further in view of Kupnicki et al. (USP 6,283,778). The Examiner has also rejected claim 41 under 35 U.S.C. 103(a) as being unpatentable over Wechter in view of Armstrong and Hudak, as applied to claim 40 above, and further in view of Loar (USP 2,020,842). The Applicant respectfully submits, however, that the Kupnicki and Loar references fail to cure the deficiencies of the Wechter, Armstrong, and Hudak references, and therefore the combined teachings of the Wechter, Armstrong, Hudak, and Kupnicki references, and the combined teachings of the Wechter, Armstrong, Hudak, and Loar references, would not suggest to one skilled in this art the subject matter of claims 37 and 41, respectively. Accordingly, it is respectfully submitted that the rejections of claims 37 and 41 under 35 U.S.C. 103 should be withdrawn.

In view of the foregoing, it is respectfully submitted that the present application is placed in a condition for allowance. Early and favorable action is respectfully requested.

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The Examiner is encouraged to telephone the undersigned Attorney to discuss any matter that would expedite allowance of the present application.

Respectfully submitted,

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